



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/324,511 06/03/99 SUZUKI

005514 TM02/0618
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

H 35.62398

EXAMINER

~~G CONNOR, G~~
ART UNIT

PAPER NUMBER

2167
DATE MAILED:

06/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.
09/324,511

Applicant(s)
Suzuki et al.

Examiner
O'Connor

Art Unit
2167



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE one MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-58 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

Art Unit: 2167

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-21, drawn to a system of collecting and displaying information by means or steps for interconnecting or communicating between two or more components connected to an interconnection medium, classified in class 710, subclass 100.
 - II. Claim 22, drawn to a computerized arrangement for recording, analyzing, verifying, or reporting of funds or other quantitatively innumerable factors used in a business, classified in class 705, subclass 30.
 - III. Claim 23, drawn to automatic control of an external recorder mechanism for dynamic information storage or retrieval, classified in class 360, subclass 69.
 - IV. Claim 24, drawn to a method of automated electrical financial or business practice or management arrangement including means for price look-up processing (e.g. updating), classified in class 705, subclass 20.
 - V. Claim 25, drawn to a computer readable memory for storing a computer program, classified in class 360, subclass 86.
 - VI. Claims 26-34, drawn to an automated electrical financial or business practice or management arrangement for electronic shopping (e.g. remote ordering), classified in class 705, subclass 26.

Art Unit: 2167

- VII. Claim 35, drawn to an automated electrical financial or business practice or management arrangement comprising the interconnection or interaction of plural electronic cash registers and a host computer, classified in class 705, subclass 21.
- VIII. Claim 36, drawn to a method of automated electrical financial or business practice or management arrangement comprising a point of sale terminal or an electronic cash register, classified in class 705, subclass 16.
- IX. Claim 37, drawn to a computer readable memory for storing a computer program, classified in class 369, subclass 47.
- X. Claims 38-54, drawn to a system of data processing comprising privileged access to a database or file, classified in class 707, subclass 9.
- XI. Claim 55, drawn to an automated electronic financial or business practice or management arrangement including a point of sale terminal or electronic cash register having security or user identification system, classified in class 705, subclass 18.
- XII. Claim 56, drawn to automatic control of an external recorder mechanism for information storage or retrieval, classified in class 369, subclass 47.
- XIII. Claim 57, drawn to a method of data processing comprising access limiting for a shared memory area, classified in class 711, subclass 163.
- XIV. Claim 58, drawn to a computer readable memory for storing a computer program, classified in class 711, subclass 100.

Art Unit: 2167

2. The inventions are distinct, each from the other because of the following reasons:

Inventions IV, VIII, and XIII are each related to, respectively, Inventions I, VII, and X, as process and apparatus for its practice. The inventions are distinct if it can be shown that *either*:

(1) the process as claimed can be practiced by another, materially different apparatus, or by hand, *or* (2) the apparatus as claimed can be used to practice another, materially different process.

(MPEP § 806.05(e)). In this case, the processes as claimed can each be practiced by another, materially different apparatus, such as any system having the elements of the first information processing apparatus and the elements of the second information processing apparatus integrated together into a single information processing apparatus.

Inventions I, VII, and X are each related to, respectively, Inventions V, IX, and XIV, as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this case, Inventions V, IX, and XIV each have separate utility from, respectively, Inventions I, VII, and X, such as for use in any information processing system having the elements of the first information processing apparatus and the elements of the second information processing apparatus integrated together into a single information processing apparatus. See MPEP § 806.05(d).

Invention I is related to each of Inventions III, VII, XI, and XII as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, *and* (2) that the subcombination has utility by itself or in other combinations (MPEP

Art Unit: 2167

§ 806.05(c)). In this case, the combination as claimed does not require the particulars of the subcombinations as claimed because the system in accordance with Invention I need not include, respectively: the control means, the charge calculation means, the authentication means, and the control means. The subcombinations have separate utility in other combinations, such as those of Invention VI and Invention X.

Invention VI is related to each of Inventions II, III, XI, and XII as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, *and* (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In this case, the combination as claimed does not require the particulars of the subcombinations as claimed because the system in accordance with Invention VI need not include, respectively: the group information management means, the control means, the authentication means, and the control means. The subcombinations have separate utility in other combinations, such as those of Invention I and Invention X.

Invention X is related to each of Inventions II, III, VII, and XII as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, *and* (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In this case, the combination as claimed does not require the particulars of the subcombinations as claimed because the system in accordance with Invention X need not include,

Art Unit: 2167

respectively: the group information management means, the control means, the charge calculation means, and the control means. The subcombinations have separate utility in other combinations, such as those of Invention I and Invention VI.

Inventions II, VII, and XI are each related to each of Inventions III and XII, as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this case, Inventions III and XII each have separate utility from Inventions II, VII, and XI, such as for use in any information processing system having none of the following elements: the group information management means, the accounting information storage means, the charge calculation means, and the authentication means. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. A telephone call was placed to Mr. Jack M. Arnold (Reg. N° 25,823), attorney for applicants, on June 13, 2001, to discuss an oral election to the above restriction requirement, but the call did not result in an election being made.

Art Unit: 2167

5. Applicant is advised that the reply to this requirement, to be complete, *must* include an election of the invention to be examined, even if the requirement be traversed (37 CFR 1.143).


Conclusion

6. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, Jerry O'Connor, whose telephone number is (703) 305-1525.

GJOC



June 13, 2001



Richard Chitt
Supervisory Patent Examiner
Technology Center 2167